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REMARKS

This application has been reviewed in light of the Office Action dated October 9, 2003. Claims 1-29 and 31-56 are presented for examination. Claims 1-3, 9-13, 15-21, 24, 25, and 27-29 have been amended to define more clearly what Applicants regard as their invention. Claims 1, 13, 16, and 29 are in independent form. Claim 30 has been canceled without prejudice or disclaimer of subject matter. Claims 31-56 have been added. Favorable reconsideration is requested.

The Examiner is sincerely thanked for the indication that Claims 3 and 28 would be allowable if rewritten so as not to depend from a rejected claim.

The Office Action required that Figs. 13 and 14 be labeled "Prior Art". It is proposed to amend those figures as required in the Office Action.

Claims 1-15 were objected to because, according to the Office Action, "side wall" should be one word in Claims 1 and 2. Without conceding the propriety of this objection, Claims 1 and 2 have been amended to refer to --sidewall-- rather than "side wall". Accordingly, withdrawal of the objection is respectfully requested.

Claims 12-15 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. In particular, the Office Action states that there is no antecedent basis for "said conductive layer" in Claim 12. Claim 12 has been amended as deemed necessary to overcome this rejection. As such, withdrawal of the Section 112 rejection is requested.

Claims 1, 2, 4-10, 12, and 16-27 have been rejected under 35 U.S.C. § 102(b) as being anticipated by JP 11-194134 (Den et al.).

Claims 16-21 have been rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent 6,605,894 (Choi et al.).

Claims 11, 13-15, 29, and 30 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Den et al.

Initially, cancellation of Claim 30 renders all issues relating to that claim moot.

Independent Claim 1, as amended, is directed to an electron-emitting device comprising (A) first and second electrodes disposed on an electrically-insulating substrate, wherein a gap is formed between the first and second electrodes, (B) a first layer formed on the first electrode and having an oxide of Ti, an oxide of Zr, or an oxide of Nb on a surface thereof, and (C) a fibrous carbon grown through a catalyst particle disposed on a sidewall surface of the first layer facing a side of the second electrode.

Independent Claim 16, as amended, is directed to an electron-emitting device comprising (A) a first electrode and a second electrode placed in opposition to each other, with a gap between the first and second electrodes, on a surface of a substrate, and (B) a plurality of fibers electrically connected to the first electrode and comprising carbon. The fibers are placed on a surface of the first electrode facing the second electrode.

In support of the rejection based on Den et al., which is a Japanese counterpart of publication EP 0 913 508 A2 cited in the Information Disclosure Statement filed December 6, 2001, the Office Action refers to a device disclosed in Figs.8 (b) of Den et al. According to Applicants' understanding, Figs.8 (a) and (b) of Den et al. are used in an explanation of an electronic device according to an embodiment 5. Referring to the Embodiment 5 (see, e.g., Embodiment 5 of EP 0 913 508 A2), it is disclosed that the device shown in Figs.8 (a) and (b) can be applied to a high frequency detection device and an oscillator. However, application to an electron-emitting device is not seen to be

disclosed or suggested therein.

Den et al. also refers to a carbon nanotube device characterized in that a portion of the carbon nanotube bonded to an electro-conductive surface is surrounded by a barrier (see, e.g., Claim 1 of Den et al.).

Independent Claim 1, on the other hand, recites an electron-emitting device comprising first and second electrodes disposed on a substrate, a first layer formed on the first electrode, and a carbon fiber grown through a catalyst from a sidewall of the first layer, facing a side of the second electrode, and independent Claim 16 recites an electron-emitting device comprising first and second electrodes disposed on a substrate, and a carbon fiber placed on a surface of the first electrode facing the second electrode. Nothing in Den et al. would teach or suggest an electron-emitting device comprising those features of Claims 1 and 16, respectively. For these reasons, Claims 1 and 16 are each deemed clearly patentable over Den et al.

Independent Claims 13 and 29 are each directed to an electron source comprising, *inter alia*, plural electron-emitting devices, wherein each such device has features that are similar in many relevant respects to those of the electron-emitting device of Claims 1 and 16, respectively. For reasons substantially the same as those presented above, it is believed that Claims 13 and 29 also are clearly patentable over Den et al.

Having addressed the rejections based on Den et al., Applicants now offer the following comments regarding the rejection of Claims 16-21 over U.S. Patent 6,605,894 (Choi et al.). The present application claims the benefit of priority under 35 U.S.C. § 119, based on priority Japanese Application No. 265821/2000, filed September 1, 2000, and therefore is entitled to the benefit of that filing date. Choi et al., on the other

hand, has an earliest effective filing date of May 31, 2001. Since Choi et al.'s earliest effective filing date post-dates the September 1, 2000 filing date to which the present application claims the benefit of priority, Choi et al. does not qualify as a reference against

Applicants' claims which are supported by the priority Japanese application. Accordingly, withdrawal of the Section 103(a) rejection of Claims 16-21 is respectfully requested.¹

Those claims are believed patentable over the art relied on by the Examiner.

The other claims in this application are each dependent from one or another of the independent claims discussed above and are therefore believed patentable over the art relied on by the Examiner for the same reasons as are those independent claims. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual consideration or reconsideration, as the case may be, of the patentability of each on its own merits is respectfully requested.

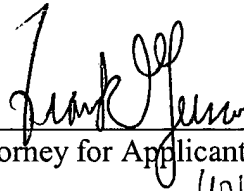
In view of the foregoing amendments and remarks, Applicants respectfully request favorable reconsideration and early passage to issue of the present application.

An Information Disclosure Statement was filed in the Patent and Trademark Office in this application on September 10, 2003. Consideration of that Information Disclosure Statement is respectfully requested, as is confirmation of such consideration.

^{1/} A sworn English translation of the mentioned priority document is in preparation, and will be forwarded to the Patent and Trademark Office after it has been completed.

Applicants' undersigned attorney may be reached in our New York office by telephone at (212) 218-2100. All correspondence should continue to be directed to our below listed address.

Respectfully submitted,



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